

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 08-762(DSD/SRN)

Dingxi Longhai Dairy, Ltd.
a China Company incorporated
in the Province of Gansu, China,

Plaintiff,

v.

ORDER

Becwood Technology Group L.L.C.,
a U.S. Company incorporated in
the State of Minnesota, USA,

Defendant.

This matter is before the court upon plaintiff's request to file a motion to reconsider the court's July 1, 2008, order granting defendant's motion for partial dismissal.¹ Pursuant to Local Rule 7.1(g), motions to reconsider require the "express permission of the Court," which will be granted "only upon a showing of compelling circumstances." D. Minn. LR 7.1(g). A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993).

¹ On June 24, 2009, plaintiff filed a motion for reconsideration and an accompanying memorandum without the court's approval. (Docs. No. 73 & 75.) Plaintiff later requested the court's permission to file these documents in an August 10, 2009, letter. In accordance with Local Rule 7.1(g), the court relies on plaintiff's letter to determine whether the motion may be filed. See D. Minn. LR 7.1(g) (requests to file motion to reconsider must be made in two-page letter to court).

According to plaintiff, reconsideration of the court's July 1, 2008, order is warranted due to purported errors of law and newly discovered evidence. Plaintiff, however, neither cites legal support for its position nor identifies any new evidence. Instead, plaintiff appears to simply ask the court to reconsider a decision it has already made. The court, however, remains convinced that plaintiff's fraud and breach of contract claims were properly dismissed pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6). Accordingly, because plaintiff has failed to show that compelling circumstances require the court to reconsider its previous order, **IT IS HEREBY ORDERED** that plaintiff's request to file a motion to reconsider is denied.

Dated: August 13, 2009

s/David S. Doty
David S. Doty, Judge
United States District Court